

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**ARMANDO AGUILAR MORALES, on
behalf of himself and his minor daughter
J.J.A.R., and PEDRO RAMOS PEREZ on
behalf of himself and his minor son F.R.I.,
Plaintiffs,**

v.

**UNITED STATES OF AMERICA,
Defendant.**

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EP-23-CV-00247-KC

DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME

Defendant, United States of America, files this Unopposed Motion for Extension of Time within which to answer, plead, or otherwise respond to Plaintiffs’ Original Complaint in the above-entitled and numbered cause, and would respectfully show the Court the following:

1. On June 28, 2023, Plaintiffs filed their Complaint under the provisions of the Federal Tort Claim Act, 28 U.S.C. § 1346(b). ECF No. 1.

2. The United States Attorney’s Office was served with the Complaint on or about July 3, 2023.¹ Defendant’s deadline to answer, plead, or otherwise respond to Plaintiffs’ Original Complaint is currently September 1, 2023.

3. Due to competing obligations of counsel and in order to properly respond to Plaintiffs’ Original Complaint, an extension, up to and including, October 2, 2023, is requested.

4. This is Defendant’s first motion to extend the deadline to file a response or answer in this matter.

¹ Defendant does not waive any defenses it may have regarding service of process.

5. Defendant, therefore, requests an extension of time to answer, plead or otherwise respond to Plaintiffs' Original Complaint, up to and including October 2, 2023.

6. This request for extension of time is not made for the purpose of unnecessary delay or prejudice, but so that justice may be done.

7. The undersigned counsel conferred with Plaintiffs' counsel via email about a thirty-day extension,² and Mr. Benoit does not oppose this motion.

Defendant respectfully requests that this Unopposed Motion for Extension of Time be granted in all things and prays for such other and further relief to which Defendant may show itself to be justly entitled.

Respectfully submitted,

JAIME ESPARZA
UNITED STATES ATTORNEY

/s/ Angelica A. Saenz

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Attorneys for Defendant

² A thirty-extension would fall on Sunday October 1, 2023. Pursuant to Fed. R. Civ. P. 6(a)(1), the deadline becomes October 2, 2023.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants: Christopher Benoit, Coyle & Benoit PLLC and Julie R. Ulmet, The Law Offices of Julie R. Ulmet, *Attorneys for Plaintiffs*.

/s/ Angelica A. Saenz

ANGELICA A. SAENZ

Assistant United States Attorney

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ORDER

On this date, came on to be considered Defendant's Unopposed Motion for Extension of Time within which to answer, plead or otherwise respond in the above-entitled and numbered cause. The Court, having considered Defendant's motion, is of the opinion that said motion should be and is hereby GRANTED.

THEREFORE, IT IS ORDERED, that Defendant will answer, plead, or otherwise respond to Plaintiffs' Original Complaint on or before _____.

SIGNED on this ____ day of _____, 2023.

**KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE**